REMARKS

In an Office Action dated May 1, 2006, the Examiner rejected claims 1, 2, 7 and 8 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 6,377,978 (Nguyen) and rejected claims 5 and 11 under 35 U.S.C. 103(a) as being unpatentable over Nguyen and in view of U.S. Patent 6,970,906 (Parsons). Responsive to the grounds for this rejection, Applicants are canceling claims 1, 5, 7 and 11, but will argue for the allowability of claims 2 and 8.

The subject matter of claims 2 and 8 is related to the Description on page 9 (bottom 3 lines) and page 10 (top 6 lines). For the Examiner's convenience, this passage is repeated herein:

> Test 313 is used to determine whether the new message has a preemption level. If so, then the user is warned that the new message will be delivered immediately unless the user specifically requests deferral of the new (preempting) message. Test 317 is used to determine whether the user has requested the deferral of the delivery of the new message within some short period of time. If the user has not requested such deferral, the new message is delivered. If the user has requested such deferral, the delivery of the message is deferred, and, because of the high precedence level of the new message, will be delivered as soon as the present message has been completed, (action block 321).

Against this teaching, the Examiner cited Nguyen, column 2, lines 24-42 (the Summary of the Invention); column 5, line 13 - column 6, line 14 ("Operation Of The Mail Client"); and column 6, line 60 - column 7, line 43 ("Ordering Electronic Mail Messages For Dynamic Downloading"). For the Examiner's convenience these passages are presented below:

> The invention provides a method and system for dynamic downloading of hypertext electronic mail messages. The system includes a mail server for receiving electronic mail messages and their headers, and a mail client for downloading electronic mail messages and their headers from the mail receiver and presenting downloaded electronic mail messages and headers to an operator. The mail client dynamically downloads and presents electronic mail messages responsive to interactive instructions from an operator, downloads and stores electronic mail messages for subsequent presentation to the operator, and organizes electronic mail messages in hypertext sections for selections by and presentation to the operator. In preferred embodiments, the mail server and the mail client cooperate dynamically and interactively to download, so as to present to the operator, electronic mail messages, or portions thereof, linked by hypertext

links and possibly including data, audiovisual material, included programs, security features, or other features in addition to text. [Column 2, lines 24-42]

The mail client 130 transmits a request to the mail server 110, requesting transmission of the headers 141 for any electronic mail messages 140 which have been received and are available for downloading. In a preferred embodiment, the mail client 130 transmits such a request when it is first invoked, at periodic times, and when the operator so requests (such as by using a button or command character).

The mail client 130 receives headers 141 from the mail server 110 and presents those headers 141 in the header window 151 to the operator.

Responsive to the headers 141, the mail client 130 selects individual electronic mail messages 140 and transmits requests to the mail server 110 to download those individual electronic mail messages 140. As the electronic mail messages 140 are downloaded, they are stored in the client storage 132. The mail client 130 selects a first electronic mail message 140 and presents that first electronic mail message 140 in the page window 152.

The mail client 130 selects for downloading and downloads individual electronic mail messages 140 in like manner as web pages are selected for preloading and preloaded in the "Dynamic Preloading of Web Pages" co-pending application referred to herein.

Thus, in a preferred embodiment, the mail client 130 selects an individual electronic mail message 140 for downloading, and transmits a request to the mail server 110 to download that individual electronic mail message 140.

When the operator selects a particular electronic mail message 140 for presentation, the mail client 130 determines if that particular electronic mail message 140 has been downloaded and is present in the client storage 132. If so, the mail client 130 presents that particular electronic mail message 140 from the client storage 132. If not, the mail client 130 transmits a request to the mail server 110 to download the newly selected electronic mail message 140, downloads the newly selected electronic mail message 140, and presents the newly selected electronic mail message 140 to its operator in the page window 152.

The selection by the operator of a particular electronic mail message 140 for prosecution takes priority over other download operations. The mail client 130 interrupts any other download operation to conduct the download operations requested by the operator. Thus, the mail client 130 may interrupt downloading and presentation of the headers 141 in the header window 151, downloading of a different electronic mail message 140 selected for downloading by the mail client 130, or even downloading of a different electronic mail message 140 selected for downloading by the operator (but for which the operator has apparently decided is lower priority).

As the mail client 130 downloads the electronic mail message 140, it presents as much as possible of the electronic mail message 140 (such as a first page 143 of the electronic mail message 140) to the operator for dynamic review while the downloading operation is in progress.

When the downloading operation for the selected electronic mail message 140 is complete, the mail client 130 reverts to its behavior of downloading the headers 141 if they are not completely downloaded, and of selecting for downloading and downloading individual electronic mail messages 140 in like manner as web pages are selected for preloading and preloaded in the "Dynamic Preloading of Web Pages" co-pending application referred to herein.

Dynamic downloading of electronic mail messages 140 continues so long as there are electronic mail messages 140 available at the mail server 110 for which the operator is the intended destination.

[Column 5, line 13 - column 6, line 14]

In a preferred embodiment, the mail client 130 dynamically orders the electronic mail messages 140 for downloading, and selects those electronic mail messages 140 for downloading which the mail client 130 dynamically considers should be downloaded first.

Since the operator is likely to ultimately desire to review all the electronic mail messages 140 which are received, the mail client 130 will, unless directed otherwise by the operator, download all the electronic mail messages 140 whose headers 141 are presented by the mail server 110.

Similarly to the "Dynamic Preloading of Web Pages" co-pending application referred to herein, the mail client 130 makes its selection responsive to one or more of the following factors: (1) the operator may explicitly select a particular electronic mail message 140 for downloading (e.g., while the operator reviews a different electronic mail message 140); (2) the operator may explicitly select a set of downloading preferences and priorities.

To explicitly select a particular electronic mail message 140 for downloading, the operator selects the electronic mail message 140 for downloading using the input element 133, such as by pointing to the associated header 141 or to its preloading indicator 151 and selecting the electronic mail message 140 for downloading.

If the operator selects a particular electronic mail message 140 for downloading, the selected electronic mail message 140 takes priority and is downloaded before other electronic mail messages 140 which might be downloaded for other reasons.

When the operator explicitly selects a set of downloading preferences and priorities, the mail client 130 receives the downloading preferences and their relative priorities from the operator, and stores the downloading preferences and their relative priorities in the client storage 132. When the mail client 130 receives the headers 141, it reviews the downloading preferences and their relative priorities, and downloads those electronic mail messages 140 which are indicated by the downloading preferences in the order of their relative priorities.

The downloading preferences select among those links 150 to electronic mail messages 140 responsive to one or more of the following factors:

the sender of the electronic mail message 140;

whether this recipient of the electronic mail message 140 is the only recipient or one of several recipients;

a priority value set by the sender for the electronic mail message 140, such as "urgent" or "bulk mail";

keywords in the header 141 or the body 142 of the electronic mail message 140; or

the size of the electronic mail message 140.

[Column 6, line 60 - column 7, line 43]

Applicants' attorney has been unable to find any reference in these passages to preemption. For example, while the "Operation" section does discuss the alteration of the normal sequence of presentation of messages to the operator (column 5, lines 55-57: "The mail client 130 interrupts any other download operation to conduct the download operation requested by the operator"), the alteration is one wherein the operator interrupts the downloading, not as recited in claims 2 and 8 the operator forces the system to delay its downloading of the preempting message.

Preemption as is well known in the art and as defined by implication in Applicants' passage is a process wherein, in the case of the delivery of messages, delivery of one message interrupts the delivery of another message. Preemption is of course especially important if many of the messages are long, since it allows a critical message to interrupt the delivery of a long message of lower priority level. On the other hand, if the preemption level message is recognized when its header is presented to the operator, and the operator recognizes that the message currently being received is critical even though its precedence level may be lower, the claimed teachings of claims 2 and 8 importantly and inventively permit the operator to defer the reception of the preempting message.

Accordingly, Applicants respectfully submit that the subject matter of claims 2 and 8 is not taught or suggested by Nguyen and that these claims should be held allowable.

Applicants therefore respectfully request that the Examiner reconsider his rejections of claims 2 and 8, allow these claims and pass the application including these claims to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicants' attorney at telephone number 630 469-3575.

Respectfully submitted

S. M. Garland et al.

by Werner Ulrich
Attorney for Applicants
Reg. No. 30810

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